



Town of Framingham

Zoning Board of Appeals

Application for Public Hearing

Before you apply to the Zoning Board of Appeals, you must discuss your plans or situation with an official in the **Building & Wire Department** (Framingham Town Hall, Memorial Building, 150 Concord St, Room 203).

If your project needs a building permit and does not meet the requirements of the Town of Framingham Zoning Bylaws, your building permit will be denied. The permit will be marked DENIED, signed by the Building Commissioner and will indicate the applicable section of the bylaw. You may then proceed to the Zoning Board of Appeals office.

The **ZBA Application Package** consists of the following documents:

- 1) Application Checklist
- 2) Application Information
- 3) Application for Public Hearing
- 4) Contact Sheet
- 5) Financial Disclosure Form
- 6) Treasurer/Collector Form
- 7) Abutter Request – **delivered directly to the Assessing Department (Room 101) w/fee**

Once an application is deemed complete and filed with the ZBA and the Town Clerk, a public hearing will be scheduled within sixty-five (65) days of filing with the Town Clerk.

Contact the Zoning Board office with any questions: 508-532-5456, ZBA@FraminghamMA.gov

Upcoming Meeting

Filing Deadline

As one of many environmentally-friendly practices, this packet is designed to be printed double-sided.

Keep for your records

Application Checklist

Original documents to be returned:

- ☐ Application for Public Hearing
- ☐ Financial Disclosure
- ☐ Treasurer/Collector
- ☐ Contact Sheet
- ☐ Building Permit and/or Denial Letter from the Building & Wire Department
- ☐ Any additional correspondence from the Building Commissioner explaining why your permit was denied *(if applicable)*
- ☐ Site and architectural plans drawn to scale, as needed to support the application *(see below)*
 - Site plans submitted will show the lot dimensions and location of existing buildings and all proposed structures, driveways, roads and ways in existence or to be used.
 - Other plans submitted will include, but are not limited to, architectural renderings, interior floor plans, landscaping renderings, contoured drawings, engineering plans, and parking layout plans, as may be required to support the request. **Ten scaled plans and three reduced size plans shall be required.**
 - Submission of briefs, proposed findings of fact and proposed findings of law may be required only when requested by the Board or staff.

10 Copy packets containing:

- ☐ Application for Public Hearing
- ☐ Building Permit/Denial Letter
- ☐ Additional correspondence *(if applicable)*
- ☐ Plans as described above

In addition, please email PDF files of application documents and plans to **ZBA@FraminghamMA.gov**, referencing street address in Subject line.

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Application Information

The Zoning Board is a **quasi-judicial board** which means it is empowered to grant Special Permits and Variances to the Zoning By-Law of the Town of Framingham, as set forth by Chapter 40A of the Massachusetts General Laws. The decision of the Board may, and in most instances will, be noted and attached to the deed of the property in question. The Zoning Board is also empowered to decide appeals of the Building Commissioner's decisions.

Application Packet: It is important that all the forms in this application packet be neatly completed as directed. Incomplete or illegible forms will cause delay in scheduling your hearing before the Zoning Board.

Public Hearing: On the night of the hearing, three (3) members of the Zoning Board will review your application. To grant your request, all three must vote to approve. It is essential to realize there is **NO GUARANTEE** the application will be approved. It is, therefore, very important that your project be presented in a clear, concise manner. In order to obtain the desired relief or Special Permit you should be prepared to explain to the Board how your project meets the following criteria:

A. If requesting a VARIANCE: (Use or Dimensional)

1. There are circumstances relating to the soil conditions, shape or topography of the land or structures for which the Variance is being sought.
2. Such circumstances especially affect such land or structures but do not affect generally the zoning district in which the land or structures are located.
3. Owing to such circumstances, a literal enforcement of the provisions of the By-Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.
4. The desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the By-Law or from the intent of the district in which the Variance is being sought.

A Variance **applies to the land or structures, not just the applicant**, and shall be binding upon the applicant, its successors in interest and assigns. If a Variance is granted, the Board may impose any conditions they deem necessary.

B. If requesting a SPECIAL PERMIT:

1. The specific site is an appropriate one for such a use or structure and would not impair the status of the neighborhood.
2. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including adequate off-street parking. Except for residences requiring fewer than five stalls, adequacy of proposed off-street parking facilities shall be determined by the Planning Board, in accordance with the provisions of Sections IV.A, IV.B, IV.C, and VI.E of the Zoning By-Law.
3. The use or structure as developed will not create a hazard to abutters, vehicles or pedestrians.
4. The use or structure is consistent with the intent of the district in which the use is proposed and with the purpose and intent of the By-Law.
5. All municipal services necessary to meet the needs of the proposed use must be adequate and sufficient.

If a Special Permit is granted, the Board may impose the following conditions or any other conditions deemed necessary:

1. Requirement of screened parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
2. Modification of the exterior features or appearance of the structure.
3. Limitation of size, number of occupants, method or time of operation or extent of facilities.

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4. Regulation of number, design and location of access drives or other traffic features.
5. A bond or other security to ensure compliance with the conditions of authorization.

The applicant and the owner(s) of land will be responsible for mitigation measures or conditions which are required as part of a favorable decision for issuance of a Special Permit.

C. If requesting a Finding: Massachusetts General Law, Ch. 40A, Section 6 states that the Zoning By-law does not apply where the alteration of a one- or two-family house does not "increase the nonconforming nature" of the structure. In Framingham, the Building Commissioner refers these requests to the Zoning Board of Appeals for a Section 6 Finding. If the Board finds that the proposal will result in additional nonconformities, the Applicant has the option of filing an application for a Variance.

1. If the proposed expansion is within the footprint of a lawful, pre-existing nonconforming structure, the Applicant must convince the Board that the proposed alteration or addition will not increase the amount of the nonconformity. In such cases, the Board may find that the proposed alteration or extension does not increase the nonconforming nature of said structure.
2. If the Board finds that the proposal *will* increase the amount of the nonconformity, the applicant must convince the Board that the proposal is not substantially more detrimental to the neighborhood than the lawful pre-existing nonconforming structure.

Final Decision: Once the hearing is closed, the Board will vote to grant or deny your request. This can happen at the initial ZBA meeting or at a future date as long as it does not exceed the Decision Deadline for your application. Chapter 40A of the Massachusetts General Laws requires that a DECISION be filed with the Framingham Town Clerk by the following deadlines:

For a **VARIANCE** = within one-hundred (100) days of filing the application with the Town Clerk

For a **SPECIAL PERMIT** = within ninety (90) days of the close of the public hearing

Once the decision is filed with the Town Clerk, a 20-day appeal period begins. After the 20 day appeal period, you should check with the Framingham Town Clerk to learn whether any appeals were filed. If an appeal was filed, you should check with an attorney regarding what to do next. If no appeals were filed, the Town Clerk will provide you with necessary paperwork for filing the decision with the Massachusetts Registry of Deeds before returning to the Building Department for your project.

An instruction letter explaining these steps in greater detail and the fees required will be sent to you once your decision is filed with the Town Clerk.

Expiration: In the event you are ultimately granted a Special Permit or a Variance, please be aware that the rights authorized by the Special Permit or Variance will lapse if they are not exercised by the following deadlines:

For a **VARIANCE** = within one (1) year of the date of filing the Decision with the Town Clerk

For a **SPECIAL PERMIT** = within two (2) years of the date of filing the Decision with the Town Clerk

Extension: The Board in its discretion and upon written application by the Applicant may extend the time for exercise of such rights for a period not to exceed six (6) months. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration date. The Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to this approval. If the Board does not grant such an extension within thirty days of the date of application, and upon the expiration of the original time period, such rights may be re-established only after notice and a new hearing pursuant to MGL, Ch. 40A, §9.

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Town of Framingham Zoning Board of Appeals Application for Public Hearing

Location Address: _____

Applicant: _____

Applicant Address: *(if same as Location, write SAME)* _____

Property Owner Name & Address: *(if same as Applicant, write SAME)* _____

Voting Precinct: _____ Zoning: _____ Assessors: Map _____ Block _____ Lot(s) _____

Historic District: ☐ Yes ☐ No

Current Use of Property: _____

Is this application the result of a Building & Wire Code Enforcement Violation? ☐ Yes ☐ No

Are past Special Permits, Variances or Non-Conforming Use now applicable to location? *Please explain:* _____

Applicant: ☐ Owner ☐ Tenant ☐ Other *(explain)* _____

Brief explanation of project: _____

The undersigned hereby certifies that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations and Bylaws to the best of his/her knowledge.

Signature of Applicant or Representative

Date

Property Owner Knowledge and Consent

Signature of Property Owner

Date

THIS PORTION FOR OFFICE USE ONLY

Zoning Bylaw Section cited: _____ **Check #:** _____ **Date Received:** _____

Filing Fees: Finding (\$300) ☐ Appeal (\$300) ☐

Special Permit ☐ Variance ☐ [Residential (\$300), Commercial (\$500), Industrial (\$1,000), Wireless Communications Facility (\$2,500)]

Return original & copies

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Do not copy.

Zoning Board of Appeals - Contact Sheet

Location Address: _____

APPLICANT or Representative

Name: _____

Address: _____

Phone: _____ e-mail: _____

PROPERTY OWNER *(if same as Applicant, write: SAME)*

Name: _____

Address: _____

Phone: _____ e-mail: (optional) _____

ATTORNEY *(if applicable)*

Name: _____

Address: _____

Phone: _____ e-mail: (optional) _____

To improve efficiency and reduce paper usage, documents will be delivered via email, unless you request otherwise.

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Zoning Board of Appeals - Financial Disclosure Form

Location Address: _____

Please list name and address of all parties with a financial interest in this application and/or property:

Please disclose any knowledge of dealings (financial or otherwise) that you, or anyone connected with you, may have, now or in the past, to any of the current members of the Zoning Board of Appeals:

I/we give permission to the Zoning Board members to enter onto the property for this application (*listed above*) to investigate or obtain any information required to make a complete and sound decision. Any such viewing would be conducted between the hours of 8:00 A.M. and 7:00 P.M. and in no event after dusk.

Signature _____

Date _____

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Zoning Board of Appeals - Treasurer/Collector Form

Location Address: _____

Applicant: _____

Applicant Address: *(if same as Location, write SAME)* _____

Property Owner: *(if same as Applicant, write SAME)* _____

Property Owner Address: *(if same as Applicant, write SAME)* _____

List all additional businesses in Framingham owned by Applicant and/or Property Owner:

THIS PORTION FOR OFFICE USE ONLY

	Current	Past Due	Owner	Applicant
Real Estate	_____	_____	_____	_____
Personal Property	_____	_____	_____	_____
Alarm Billing	_____	_____	_____	_____

Approved _____
Carolyn R. Lyons, Treasurer/Collector

Denied ____ *(see reason below)*

Reason for denial _____

Date Received: _____

Date Completed: _____

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Town of Framingham

Memorial Building, 150 Concord Street
Framingham, MA 01702
(508) 532 - 5415

Board of Assessor's Stamp

REQUEST FOR ABUTTERS

Date of Request: _____

Property owner: _____

Property location: _____

Property ID: MAP _____ BLOCK _____ LOT _____

Please Specify Radius: 300 feet

Requesting Board/Department: Zoning Board of Appeals

REQUESTER INFORMATION:

Name: _____

Address: _____

Phone: _____

Email Address: _____

***FEE: \$45.00 per list, payment due at time of request. Check is payable to TOWN OF FRAMINGHAM.**

(* additional fee(s) may apply, if non-standard list is requested)

THE LIST IS VALID FOR 90 DAYS FROM CERTIFICATION DATE. BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS.

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